

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv200

PAMELA SAMS,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER OF REMAND</u>
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant's Motion for Remand and Entry of Judgment Reversing the Commissioner's Decision [Doc. 14]. The Plaintiff consents to the motion.

Sentence Four of 42 U.S.C. §405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Defendant here has moved for reversal of his decision and for remand of this case for further administrative proceedings.

The Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). Upon remand to the Commissioner, the Appeals Council shall remand this case to the administrative law judge (ALJ) for further development of the record. Specifically, the Appeals Council will instruct the ALJ : (1) to address the issue of disability for the period prior to the onset date of April 16, 2010 established by the favorable decision dated October 13, 2011; (2) to evaluate further the medical evidence of record in its entirety, the severity of the Plaintiff's mental and physical impairments, and the maximum residual functional capacity the Plaintiff can perform in light of these impairments; and (3) to obtain, if necessary, supplemental evidence from a vocational expert.

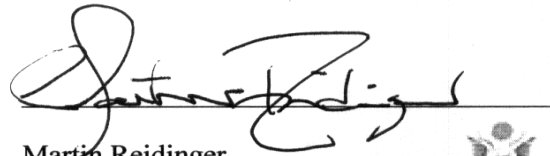
IT IS, THEREFORE, ORDERED that the Defendant's Motion for Remand and Entry of Judgment Reversing the Commissioner's Decision [Doc. 14] is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

IT IS SO ORDERED.

Signed: March 5, 2012


Martin Reidinger
United States District Judge

